

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
JANUARY 5, 2010  
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, and Thompson

Absent: Councilmember Marks (excused)

Others Present: Interim City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, City Clerk Dunham, City Attorney Martinek, and Contract Planner George Williamson

Absent: Acting Public Works Director Jensen (excused)

Mayor Woodall announced the Council would be adjourning to closed session at this time rather than at the end of the meeting and announced the item to be discussed in closed session was as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code: 1 case.

Mayor Woodall asked for public comment regarding closed session. There being no public comment, the Council adjourned to closed session at 6:35 P.M.

The regular meeting reconvened at 6:50 P.M. City Attorney Martinek announced there was no reportable action taken in closed session and asked to be excused from the remainder of the meeting.

**CONSENT CALENDAR**

Interim City Manager Stretch called attention to the agenda format and noted there were five additional items placed on the consent calendar in addition to the routine items and stated it seemed appropriate since they were non-controversial matters.

Motion was made by Dunker/Thompson to approve the consent calendar including the minutes of the November 17, 2009 Regular Meeting; the minutes of the December 1, 2009 Regular Meeting; the minutes of the December 4, 2009 CDBG Public Hearing; minutes of the December 8, 2009 Study Session; the check register including the General Check Register for check numbers 27974-28023 totaling \$173,444.67 and the Payroll Check Register for check numbers

15031-15053 totaling \$26,532.00; approval of amendment to Interim City Manager Agreement; authorization for the City Manager to execute a contract with RCAA to complete Labor Monitoring Services on the Solids and Disinfection Management Project; approval of Progress Payment Request No. 1 for K.G. Walters Construction Co., in the amount of \$68,400 for work related to the Solids and Disinfection Management Project; approval of Budget Amendment for Water Fund Debt Service (\$58,000); and approval of Resolution No. 1069-2009 Amending the City of Rio Dell Cell Phone Policy Resolution No. 1030-2009. Motion carried 4-0; Mayor Woodall abstained from vote on the November 17, 2009 minutes and Councilmember Barsanti abstained from vote on all of the minutes.

### **SPECIAL PRESENTATIONS**

#### Food Collaborative Business Plan (Planwest Partners)

George Williamson, Contract City Planner stated as the Council with recall, the City was successful last year in securing a Headwaters Grant in the amount of \$30,000 for the preparation of a business plan for an Eel River Food Collaborative with the focus to develop a place where people such as local growers can come together and process and ship their products in sufficient amounts to become viable to large suppliers. He said Rio Dell is well suited and well positioned to take advantage of this concept.

Planner Williamson proceeded with a power point presentation which outlined the following key topics:

- Introduction – Food Collaborative Business Plan
- Overview: Description and Purpose
- Why Rio Dell – Eel River Valley Farms
- Why Rio Dell – Surrounding Agricultural Capacity
- Bullet List of 8 Scope of Work Tasks
- Business Plan Outline
- Steering Committee and other Stakeholders to be Consulted
- Potential Products and Services
- Potential Sites
- Case Studies and Research
- Completion Timeline

Potential sites for a potential distribution center were identified as the Sawmill annexation Site; Wildwood and Hwy 101; Davis St. and Hwy 101; Town Center and Hwy 101; and Mill A in Scotia.

In identifying potential products and services, it was pointed out by Alice Millington (378 Wildwood Ave.) that there was also a huge market for herbs.

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John Lane, 1249 Riverside Dr., asked if there would be a sales office in Rio Dell; George stated there could be if research determined that people would shop at that site.

John Lane also asked if large quantity sales were envisioned such as a grocery store; George explained the goal was not to compete with grocery stores but to process products for distribution to stores.

Councilmember Dunker asked if an outlet mall would be a viable option; George said he hadn't thought of that but that the Davis St. site could adequately accommodate an outlet mall.

Mayor Woodall asked for the definition of a kitchen incubator; George explained it would be where you could actually rent commercial kitchen space to process your product and noted that any food products offered for sale must be cooked in a commercial kitchen.

Councilmember Barsanti questioned with limited space available in Rio Dell what the benefit would be if the products were shipped out and sold elsewhere; George explained there were ways to maintain "point of sale" locally, there would be the benefit of employment taxes, and property tax values if a structure were to be built..

Planner Williamson stated he would bring back to the Council a Business Plan with facts on how it could benefit the city.

### **SPECIAL CALL ITEMS**

Make determination as to whether the expenditure of City funds for an Employee Fitness Program has a direct and primary public purpose

Interim City Manager Stretch stated this is a rather unusual item to have on the agenda since generally day to day city expenditures are so clearly within its mission and purpose that a question as to whether they meet the public purpose test as set forth in the State Constitution never comes up. Since the issue as to whether the expenditure of city funds for an employee fitness program came to his attention, the City Council has the obligation to address the situation and make a decision.

Interim City Manager Stretch went on to explain the current fitness program stating that two groups of employees benefit from the "Results Fit Camp" program; the police officers, and employees of the general work force. He said the programs are not part of either employee organization's MOU's and therefore have not been bargained for. The question is whether one or both expenditures are allowable by State of California Constitution concerning "gifting of public funds" and does it constitute a direct and substantial benefit or purpose. He noted there seems to be an easier nexus between the police officers however if the Council can determine that an exercise program for all employees has a positive effect on the well being and moral of the employees that determination can be made.

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Mayor Woodall asked Chief Hill for his opinion on the issue; he commented that he could see both sides and explained that in past contract negotiations with the police association, a gym membership at Scotia Gym was approved but rarely used. He brought the Results Fit Camp Program forward and provided literature to the former city manager regarding the benefits for fitness for police officers. He said basically he was in support of anything that will promote a healthier life style for employees.

Councilmember Dunker stated one option might be to approve the program on a reimbursement basis; Chief Hill said he felt that most employees wouldn't have the funds up front and said that motivation for attendance was not a problem.

Mayor Woodall questioned whether the police department had physical fitness requirements for police officers; Chief Hill said they must show they have general capabilities of performing normal duties but don't have physical agility testing such as with the police academy. He noted a medical examination is required prior to hiring.

Finance Director Beauchaine stated that she and the City Clerk had attended a SCORE meeting and that one of the member cities had noted they had implemented a similar program for its employees and the response of the insurance pool was that it was a very positive decision as that city would be less likely to have workers' comp claims which in turn keeps rates from increasing. She said she also spoke to the City's medical insurance agent who confirmed that an employee fitness plan was a step in the right direction in helping to keep rates down.

Chief Hill also commented that many other agencies have fitness rooms with exercise equipment for employees in lieu of a fitness plan.

Interim City Manager Stretch stated that another way agencies address this situation is to negotiate on behalf of the employees for group corporate rates on gym membership.

Councilmember Barsanti stated the decision falls on the discretion of the City Council and said that law enforcement can be very physical and felt it would be viable for the City to implement a fitness program for police officers.

Councilmember Thompson said he agreed there was benefit with having a fitness program but would like to see guidelines and said in order for the program to really work it must be done continually.

Chief Hill said since inception of the program, there has been a measurable improvement in overall physical fitness as well as improved moral and attitude among employees who participated.

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Interim City Manager Stretch reminded the Council that the recommended action tonight is to make a determination as to whether the expenditure of public funds for an exercise program for City of Rio Dell Police Officers and/or City of Rio Dell general workforce has a direct and primary public purpose and not to define the terms and conditions of the program.

Motion was made by Dunker/Barsanti determining that the expenditure of public funds for an exercise program (Fit Camp) for City of Rio Dell Police Officers has a direct and primary public purpose.

Mayor Woodall asked for clarification as to whether the program would continue as it is or that it would come back to the Council for approval of guidelines, and if the benefit was taxable; Finance Director Beauchaine said the benefit may or may not be taxable depending on the situation stating that if the police department were to mandate certain standards for fitness then it would not be taxable; otherwise it would be considered a taxable benefit.

Councilmember Dunker suggested the matter come back to the Council in the event participation drops.

Mayor Woodall said she felt that employees have a personal obligation to keep fit irregardless if the city does or does not sponsor a program.

Motion then carried 3-1; Mayor Woodall casting the negative vote.

Motion was made by Dunker/Barsanti making the determination that the expenditure of public funds for an exercise program (Fit Camp) for the general City of Rio Dell workforce has a direct and primary purpose. The motion died due to a 2-2 vote. It was agreed that the matter would be brought back to the City Council for further consideration at a later date.

Motion was made by Dunker/Thompson to approve the Release of Liability and Participation Agreement form for the City funded exercise and fitness program. Motion carried 3-1.

Motion was made by Thompson/Dunker to approve a check in the amount of \$600.00 to Results Fit Camp for the attendance of three police officers for the current eight week program. Motion carried 3-1.

Approve Amendment to City Council Protocols to cover City Council Member Absence

Interim City Manager Stretch stated there is contained in the City Council Protocols a procedure to handle the absence of the Mayor and Mayor Pro Tem, but are silent as to the absence of a member of the Council. He said there is a relevant section in the California Government Code that provides that a Council member's office becomes vacant after 60 days of unexcused absences, but does not define what constitutes an excused or unexcused absence. He said the Council Protocols should therefore be amended to provide guidance on the subject.

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Interim City Manager Stretch then provided a brief overview of the policy proposed stating that a member of the Council is to notify the Mayor of an absence and the reason for the absence before the date of the council meeting. When roll call is taken, the Mayor shares with the Council the reason for the absence, the Council then determines whether the absence is excused or unexcused which is noted in the minutes.

Discussion continued regarding what constitutes an excusable absence; Interim City Manager Stretch said the code was really silent on what is an allowable absence but said the language could be changed to clarify if that was the wish of the Council.

Councilmember Thompson stated he thought work related matters or vacation should be considered as excusable absences but in regard to absences because of conflicting meetings on other commissions or boards, felt the City Council meetings should be first priority. He said the rules should be the same for everyone and that specific guidelines should be implements to ensure fairness to all.

Motion was made by Barsanti/Dunker to approve an amendment to the Rio Dell City Protocols (Council Meetings) by adding a new paragraph 8 to Section I, entitled "City Council Member Absence" as presented. Motion carried 3-1.

#### Approve Changes as to the Processing and Approval of City Warrants

Interim City Manager Stretch stated the current practice for approval of warrants is somewhat cumbersome and in reviewing the relevant sections of the Government Code that covers the legal process for paying and reporting City warrants learned that the City's current practice is different that the code. The code provides that the City Treasurer pays City warrants that are signed by legally designated at least on a monthly basis, submits an accounting report of all disbursements to the City Clerk which she keeps on file for review by the City Council and public.

Motion was made by Dunker/Thompson to direct the City Treasurer to submit at least monthly to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances for the prior month and that the City Clerk make such Treasurer's report available to any Council member or member of the public at his/her office in City Hall, and report on the Council's consent agenda a summary of the prior month expenditures by fund.

Mayor Woodall referred to the check for Results Fit Camp that was pulled for review from the prior check register and commented that the Council would not have been able to stop that disbursement. Interim City Manager Stretch concurred with that statement and noted that any future disbursements could however be stopped.

Motion then carried 4-0.

#### Set Date for Goal Setting Study Session

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Interim City Manager Stretch stated the Council had expressed interest in having a special study session for the purpose of discussing and developing long range goals for the City and asked the Council to select a date.

The Council agreed to schedule the Study Session for February 9, 2010 at 5:00 P.M. to discuss the long range goals for the City.

**PUBLIC PRESENTATIONS**

Sharon Wolfe, 3 Painter St. addressed the Council and said she appreciated the Fit camp issue being brought forward for determination as to whether the expenditure had a direct and primary public purpose and said she felt there was a significant difference between police officers and the general employees. Also, with agencies being forced to cut back the City look at ways to cut expenses and suggested copying of council packets be double-sided, and said she didn't feel it is appropriate for taxpayers to pay for employee birthday cakes.

John Lane, 1249 Riverside Dr., said that he disagreed with the thought that birthday cakes are not important and that it was "nit-picky" to worry about this small gesture.

Marylynn Wolfe, 3 Painter St. expressed disapproval of the Fit Camp Program for general employees and commented that general employees are normally not expected to sprint and jump over walls.

**REPORTS/STAFF COMMUNICATIONS**

Interim City Manager Stretch reported on recent meeting and activities and announced that the recruitment for City Manager was well underway with interest being received on a daily basis; said representatives from the Regional Water Board had visited on December 30<sup>th</sup> to discuss non-compliance of the Cease and Desist order and plans for Wastewater Treatment facility improvements; and said he would be meeting with the engineers and the Fire Commissioners regarding the Park Bond funding stating he would be coming back to the Council for a decision on allocation of the remaining funds.

Chief of Police Hill reported on recent activities in the police department and said they were successful in working with the Drug Task force on the issuance of a search warrant on December 31<sup>st</sup> and arrest of six persons on several drug related charges; said he closed the recruitment period for the police officer position stating an officer had resigned and would try to also fill that position among those applicants; said he would have the annual police report on the next agenda; and provided a report on code enforcement activities.

Finance Director Beauchaine reported on recent activities in the finance department and said the timeline for completion of the audit was pushed back to possibly February; was working on

completion of the budget documents; working on changes to the financial statements to make them more user friendly for Council members; and said she was evaluating the Building Permit

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and Project Management modules now available for Accufund to determine if they would be beneficial to the city before purchasing.

Interim City Manager Stretch reported on behalf of the public works department and stated that Randy Jensen had been serving as Acting Public Works Director for over a year now and had expressed to him his desire to go back to his normal duties of Water Superintendent. As a result of that request, he said he would be looking at other agencies and possibly updating the job description for Public Works Director to include the title of Civil Engineer.

### **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:35 P.M. to the January 12, 2010 Special Meeting.

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Julie Woodall, Mayor

Attest:

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Karen Dunham, City Clerk